

**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT**

RAD REFERRAL: 99L-05  
DATE ACTIVATED: 09/26/00

STAFF MEMBER: Michael Scurry

SOURCE: Internally Generated

RESPONDENTS: Friends of Barbara Boxer  
Michael Ohleyer, Treasurer

RELEVANT STATUTE(S): 2 U.S.C. § 434(a)(6)(A)  
11 C.F.R. § 104.5(f)  
11 C.F.R. § 102.17(c)(3)(iii)

INTERNAL REPORTS CHECKED: Disclosure Reports  
Referral Materials

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

The Reports Analysis Division ("RAD") referred Friends of Barbara Boxer ("the Committee"), and Michael Ohleyer, as treasurer (collectively "Respondents"), to the Office of General Counsel on June 18, 1999. The basis of the RAD referral was the failure of the Committee to file 48-Hour Notifications ("48-Hour Notices") for contributions totaling \$73,222.77 received prior to the 1998 General Election.

**II. FACTUAL AND LEGAL ANALYSIS**

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A).

21-04-105-0943

### **III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

This Office also recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement (Attachment 2).

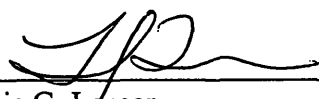
21.04.405.0944-4160" 504" 40" 12

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Friends of Barbara Boxer and Michael Ohleyer, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

10/20/00  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed agreement

21-04-405-0945



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**MEMORANDUM**

**TO:** Office of the Commission Secretary  
**FROM:** Office of General Counsel <sup>KCS</sup>  
**DATE:** October 23, 2000  
**SUBJECT:** 99L-05-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of \_\_\_\_\_

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

**CIRCULATIONS**

**SENSITIVE** ☒  
**NON-SENSITIVE** ☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

**DISTRIBUTION**

**COMPLIANCE** ☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

**STATUS SHEETS** ☐

Enforcement ☐

Litigation ☐

PFESP ☐

**RATING SHEETS** ☐

**AUDIT MATTERS** ☐

**LITIGATION** ☐

**ADVISORY OPINIONS** ☐

**REGULATIONS** ☐

**OTHER** ☐

21.04.405.0946



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MEMORANDUM

TO: Lawrence M. Noble  
General Counsel

FROM: Mary W. Dove/Lisa R. Davis  
Acting Commission Secretary

DATE: October 31, 2000

SUBJECT: RAD Referral #99L-05 - First General Counsel's Report  
dated October 25, 2000.

The above-captioned document was circulated to the Commission  
on Thursday, October 26, 2000.

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

Commissioner Mason	—
Commissioner McDonald	<u>XXX</u>
Commissioner Sandstrom	—
Commissioner Smith	—
Commissioner Thomas	—
Commissioner Wold	—

This matter will be placed on the meeting agenda for  
Tuesday, November 7, 2000.

Please notify us who will represent your Division before the Commission on this  
matter.